

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

LAQUAN DESHEA STONE,

Plaintiff,

v.

Civil Action No. 3:23cv59

VIRGINIA PAROLE BOARD, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* filed this action. The action was dismissed by Memorandum Order entered on March 13, 2023. The matter is before the Court's own initiative as to whether the March 13, 2023 Memorandum Order should be vacated and the action be reopened. For the reasons that follow, the action will remain closed.

In a Memorandum Order entered in this case on April 12, 2023, the Court stated the pertinent procedural history as follows:

In 2022, LaQuan Deshea Stone, a Virginia inmate proceeding *pro se*, filed a 42 U.S.C. § 1983¹ action. *Stone v. Chapman*, 3:22CV663, ECF No. 12 (E.D. Va.). In that action, Stone asserted Tonya Chapman, the Chairman of Virginia Parole Board and Harold Clarke, the Director of the Virginia Department of Corrections violated his rights when they denied him release on discretionary parole. *Id.*

On January 25, 2023, the Court received a sheaf of documents from Stone captioned *LaQuan Deshea Stone v. Virginia Parole Board, et al.*, ("Stone's January 25, 2023 Submission"). (ECF No. 1, at 1.) Because the documents did not bear the caption or civil action number for *Stone v. Chapman*, 3:22CV663, the Court treated Stone's January 25, 2023 Submission as an attempt to file a new action and opened the present civil action. By Memorandum Order on February 15, 2023, the

¹ The Court employs the pagination assigned by the CM/ECF docketing system to the parties' submissions. The Court corrects the capitalization, spelling, and punctuation in the quotations from Stone's submissions.

Court conditionally docketed the action and directed Stone to file the documents necessary to determine whether he could proceed *in forma pauperis*. (ECF No. 4.)

On February 28, 2023, Stone responded to the February 15, 2023 Memorandum Order and stated:

I received a Memorandum Order stating that I must pay the filing fee for Civil Action No. 3:23CV59.

I only have one civil action currently pending, Civil Action No. 3:22CV663. The filing fee has been paid for by Marcia Stone . . .

The Civil Action 3:23CV59, from my understanding, is not part of my action against the Virginia Parole Board.

Both Memorandum Orders are enclosed. Would you check to see if these two orders have my name attached to them?

Thank you for your time.

(ECF No. 5, at 1.)

Given the content of Stone's February 28, 2023 response, it appeared that Stone's January 25, 2023 Submission was intended to be filed in *Stone v. Chapman*, 3:22CV663, rather than filed as a new action. Accordingly, by Memorandum Order entered on March 13, 2023, the Court dismissed the present action without prejudice. Further, the Court directed the Clerk to file Stone's January 25, 2023 Submission in *Stone v. Chapman*, 3:22CV663, along with a copy of this Memorandum Order.

In the wake of March 13, 2023 Memorandum Order, Stone filed in the present action: a complaint captioned, Laquan Deshea Stone v. Tonya Chapman (the Virginia Parole Board) et al and Harold W. Clark (Director of Virginia Department of Corrections) Civil Action No. 3:23cv59. (ECF No. 10.) Additionally, Stone has submitted another half dozen documents. (ECF Nos. 11–16.) Finally, Stone has paid the full \$402.00 filing fee for this action. (ECF No. 8.) **Accordingly, within twenty (20) days of the date of entry hereof, Stone is DIRECTED to clearly state to the Court that he wishes to litigate the present action and *Stone v. Chapman*, 3:22CV663.**

(ECF No. 17, at 1–3 (emphasis added).)

Stone has not responded to the April 12, 2023 Memorandum Order, much less clearly stated that he wishes to litigate the present action and *Stone v. Chapman*, 3:22CV663. Furthermore, by Memorandum Opinion and Order entered on May 24, 2023, the Court dismissed

Stone v. Chapman, 3:22CV663 as frivolous and for failure to state a claim. *Stone v. Chapman*, No. 3:22CV663, 2023 WL 3632724, at *1 (E.D. Va. May 24, 2023). Accordingly, the present action will remain closed. Stone's outstanding motions (ECF Nos. 10, 14–16) will be DENIED. The Clerk will be DIRECTED to REFUND the \$402.00 filing fee to Stone.

An appropriate order will accompany this Memorandum Opinion.

Date: 10/4/2023
Richmond, Virginia

/s/
M. Hannah Lauck
United States District Judge